IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 7861 of 2007(J)

PETITIONER:

P.S.GANESH.PROPRIETOR,M/S.ALANKAR
JEWELLERY,SCS JUNCTION,THIRUVALLA,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANU
SRI.S.K.PREMRAJ
SRI.ANOOP JOSEPH
SRI.ANOOP.V.NAIR
SRI.ABHILASH AKBAR

RESPONDENTS:

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1. ASSISTANT ENGINEER,ELECTRICITY SECTION,
KSEB,THIRUVALLA.

2. DEPUTY CHIEF ENGINEER,APTS (H.Q),
K.S.E.B VIGILANCE WING,VYDYUTHI BHAVAN,PATTOM,
TRIVANDRUM - 4.

3. CHIEF ENGINEER, APTS (H.Q),
K.S.E.B, VYDYUTHI BHAVAN,PATTOM,TRIVANDRUM - 4.

4. K.S.E.B, VYDYUTHIBHAVAN,PATTOM,
TRIVANDRUM-4,REP. BY ITS SECRETARY.

BY S.C. SRI. JOSE J. MATHEIKAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE BILL DATED 7.4.2006 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.P2 TRUE COPY OF THE ORDER NO. APTS/AV/526/06/TVM DATED 30.1.2007 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3 TRUE COPY OF THE LETTER DATED 17.2.2007 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 7861 OF 2007

Dated this the 24th day of May, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the KSEB. The order under challenge is Ext.P2 issued in appeal by the Deputy Chief Engineer. Petitioner is running a gold shop where inspection was carried out by the Anti Power Theft Squad. Tampering of meter was noticed and therefore bill was raised for estimated power consumption. On going through the appellate order, I find it is a well reasoned order. Moreover the connected load is 15KW. The details of demand are covered by Ext.P3 which is issued in accordance with the direction of the appellate authority. Since theft of power is established after inspection, and bill is raised on escaped consumption, there is no scope for interference in writ proceedings. However, having regard to the amount involved, I feel instalment facility can be granted to clear the arrears and if the petitioner makes payment in terms of the instalment facility granted herein, there will be direction to the Electricity Board not to charge any interest.

In the circumstances, W.P. is disposed of granting 10 equal monthly instalments to the petitioner to clear the balance arrears due under Exts. P2 and P3 without any interest, first of which will be paid along with the monthly bill in June and the balance will also be paid on due dates along with monthly bills in the following nine months. If the petitioner commits default in payment of any instalment, the instalment facility and waiver of interest will stand automatically vacated and in that event the Board will be free to disconnect supply. However, if payments are made as above, no disconnection will be made.

(C.N.RAMACHANDRAN NAIR)
Judge